



General Teaching Council
for Northern Ireland

Promoting Teacher Professionalism

General Teaching Council for Northern Ireland

Regulation Guidance

Employer's responsibilities

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1 Introduction

This guidance provides employers with information about the role of the General Teaching Council for Northern Ireland (GTCNI) and its statutory role in the regulation of the teaching profession.

In April 2015 the Department of Education amended the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004 and transferred the power to consider cases and remove a teacher from the teachers' Register on the grounds of misconduct.

The specific powers are contained in the General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015 (SR 2015/151). These regulations, which are made under the powers in Article 36(3) and (5) of the Education (Northern Ireland) Order 1998, set out the framework within which GTCNI will deliver this statutory function.

The GTCNI Conduct Rules 2019 set out how we will deliver the regulatory function both in the public interest and the interests of the teaching profession in Northern Ireland.

2 GTCNI and regulation

GTCNI believe that professional self-regulation is hard won, and should be valued by the profession, by their representatives, and by those who employ teachers.

We also believe that regulation is welcomed by the public who have come to expect that all professionals are registered and value the reassurance that regulation brings.

Our role as a regulator is defined by legislation and the GTCNI Conduct Rules 2019.

The 2015 regulations allow:

- GTCNI to remove a teacher from the register if found guilty of misconduct;
- Individuals to make representations to GTCNI;
- GTCNI to issue a notice of its decisions; and
- The right of appeal to the High Court if a teacher is removed from the register.

The GTCNI Conduct Rules 2019 set out how we will deliver regulation. The Rules state that:

“Any allegation that relates to misconduct or conviction of a relevant offence, received by the Council will be considered, investigated and heard in the public interest and in the interests of the teaching profession.”

In circumstances where a registered teacher's conduct falls short of the highest standards of professional ethics and conduct expected and is dismissed by their employer, GTCNI will investigate and, if necessary, remove them from the register.

Our overriding responsibility is to act in the public interest and the interests of the teaching profession. In general we will consider a referral or allegation if:

- The allegation of misconduct is of a serious nature, falling significantly short of the standard of behaviour expected of a teacher;
- The allegation of misconduct is such that it may bring the profession into disrepute;
- The conviction of an offence relevant to being a registered teacher.

Our responsibility is to ensure that a registered teacher is suitable to be a member of the teaching profession in Northern Ireland.

The General Teaching Council for Northern Ireland (GTCNI) is fully committed to compliance with the requirements of the General Data Protection Regulation. Please see our Data Protection Policy Statement and Guidelines for further information or contact GTCNI's Data Protection Officer, Mr Gerry Devlin on 028 9033 3390.

2.1 How does regulation work?

We recognise that the vast majority of teachers are committed to maintaining the highest standards of professional ethics and conduct. However, in circumstances where a registered teacher's conduct falls short of these standards and is dismissed by their employer or resigns prior to dismissal, GTCNI will investigate and, if necessary, remove them from the register. In this way, the teaching profession continues to enjoy public confidence, which underpins the profession's status in society.

The ONLY exception may be where GTCNI hold a record of registration for a teacher and it is clearly in the professional and public interest to consider the allegation.

The GTCNI regulation process includes a number of stages, including:

- **Referral** where a complaint or referral is received by GTCNI.
- **Screening stage** to establish if the referral falls within *our statutory remit and is capable of amounting to an allegation*.
- **Investigation stage** where an Investigating Panel, drawn from the membership of our Regulatory Panel, will look at the available evidence and a written response from the teacher concerned and decide if there is *a case to answer*.
- **Conduct stage** where a Conduct Panel, drawn from the membership of our Regulatory Panel, will hear evidence relating to the case and make a finding about the *facts of an allegation* and may *recommend whether a teacher should be removed* from the Register. The teacher concerned has a right to make representations.
- **Council stage** where a sub-committee, drawn from the membership of the Council, will make a decision based on the recommendations of a Conduct Panel and *may make an Order to remove a teacher* from the Register.

If an allegation of misconduct or conviction of a relevant offence is proven and a Conduct Panel finds that the behaviour is fundamentally incompatible with being a teacher, the only sanction available is to recommend to the Council that it make an Order to remove them from the Register.

A Conduct Panel will also recommend a specific length of time that a teacher is 'removed' from the Register or decide the time limit is indefinite.

Any decision made by Council can be published and this may include notification on GTCNI's website.

2.2 **GTCNI's role as a professional body**

GTCNI is the professional body for teachers in Northern Ireland. We deliver a number of functions including both teacher registration and regulation.

GTCNI is not a complaints body but we will act in the public interest and the interest of the teaching profession and consider, investigate and hear any allegation that relates to misconduct and/or conviction of a relevant offence.

However, our role is very different from that of an employer and we can only consider an allegation against a registered teacher that is about misconduct or a relevant conviction – and will only do this once all employer processes have been completed and a teacher has been dismissed, or may have been had they not resigned.

2.3 **What GTCNI can't do**

Our responsibility is to ensure that a registered teacher is suitable to be a member of the teaching profession in Northern Ireland. However, there are a number of things we cannot do, such as:

- intervene in matters between an employer and teacher or overturn any decision made by a school or an employer;
- investigate complaints against a school or employer in terms of how they have dealt with a particular situation;
- facilitate mediation between any teacher or member of the public;
- ask a teacher to apologise for any action; or
- investigate any allegation that relates to teacher competence.

2.4 **The employer's responsibility**

The employer (or employing authority), e.g. the school, is required to deal with any allegation of misconduct using the agreed disciplinary process as set out in the 'Disciplinary Procedure for Teachers including Principals and Vice-Principals in Grant-Aided Schools with fully delegated Budgets' (TNC 2016/2).

This includes allegations involving substitute teachers and teachers on short term contracts.

The employer also has a duty to notify GTCNI about any teacher who is dismissed, or resigns prior to dismissal, on the grounds of misconduct and to provide us with the information we need to carry out an investigation or any subsequent conduct hearing.

3 What this means for employers?

Employers need to be fully aware of their responsibilities in relation to regulation under the Education (Northern Ireland) Order 1998, which is also highlighted in DE circular 2015/12 issued 22 May 2015.

This includes:

- Article 35(3) which provides that an employing authority shall not employ a person as a teacher unless they are registered with GTCNI;
- Article 36(2) and the definition of ‘qualified teacher’ in regulation 2 of the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004 (as amended) which provide that a teacher is ‘qualified if he or she has qualifications approved by GTCNI’; and
- Article 40(4) which places a duty on employing authorities to provide information to enable GTCNI to perform its statutory functions, including the function relating to the removal of teachers from the Register.

Article 40(4) of the 1998 Education Order sets out the duty on employing authorities that they “***shall supply the Council with such information as it may reasonably require for the purposes of its functions.***”

DE Circular 2015/12 also reminds employing authorities that they “***are required to provide information ... to the GTCNI to enable it to carry out this new function.***”

This in no way impacts on the power of an employer or employing authority to take disciplinary action against a teacher.

3.1 What information should an employer provide?

The documentation that GTCNI will ‘reasonably require’ employing authorities or an employer to provide to enable us to carry out our regulatory function includes:

- a statement of reasons for the teacher’s dismissal;
- records relating to dismissal/resignation where they may have been dismissed (as set out in the DE circular), including:
 - notes and minutes of meetings,
 - interview notes, and
 - evidence supplied to or obtained by the employer;
- records relating to the conduct which eventually led to dismissal/resignation where they may have been dismissed (as set out in the DE circular), including:
 - notes and minutes of meetings,
 - interview notes, and
 - evidence supplied to or obtained by the employer;

- employer's letters, warnings or notices **and** the teacher's replies or representations in response;
- any other statements, representations and evidence submitted by a person to the employer;
- any letter advising of a teacher's resignation; and
- any other document or information which the employer or employing authority considers is relevant to the investigation or hearing.

3.2 **When should an employer contact us?**

GTCNI will only consider a referral or complaint (allegation) when local employer processes are complete.

We will only consider a complaint if exactly the same allegation has been brought to the employer.

However, we also receive referrals from the PSNI and DBS and other teaching regulators as well as members of the public.

If we receive an allegation about a registered teacher we may have to contact an employer to check basic information and establish if there are any ongoing employer processes relating to the case.

An employer should notify GTCNI once all employer processes are completed and where a teacher has been dismissed on the grounds of misconduct and/or conviction of a relevant offence, or may have been had they not resigned.

In practice, an employer should notify GTCNI if a teacher is placed on precautionary suspension and seek further advice from the Regulation Team.

3.3 **Completing the Employer Referral form**

All employers should complete the Employer Referral form (Annex I) and return to GTCNI along with all supporting documentation, as outlined in Section 3.2, once all local employer processes have been complete and where a teacher has been dismissed on the grounds of misconduct and/or conviction of a relevant offence, or may have been had they not resigned.

Annex I: Employer Referral form (REF-02)



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PLEASE ENSURE ALL SECTIONS ARE COMPLETED BEFORE SUBMITTING THIS FORM AND THAT ALL ADDITIONAL EVIDENCE IS PROPERLY REFERENCED AND PAGES NUMBERED AND THAT THE FORM IS SIGNED AND DATED

Completed referral forms should be returned to: The Regulation Team
GTCNI
Albany House
73-75 Great Victoria Street
Belfast, BT2 7AF

For further information contact the regulation team by email on regulation@gtcni.org.uk or phone on 44(0) 28 9033 3390

Teacher Name:	
GTCNI Number:	
TR Number:	
School Name:	
School DENI Code:	

Nature of allegation/referral:

Employer process details:

Additional referral information:

	Yes	No
Are all employer processes complete?		
Has the teacher been dismissed, or may have been had they not resigned?		
Has this decision been appealed?		
If yes, please provide details:		
If no, please advise of the final date for appeal of this decision:		
Has this matter been referred to any other body (e.g. PSNI or DBS)		
If the matter has been referred to any other body, please advise:		

PLEASE INCLUDE ALL DETAILS OF EMPLOYER DISCIPLINARY PROCESSES AND HIGHLIGHT OUTCOMES

PLEASE INCLUDE ALL RELEVANT DATES AND THE NAMES OF IMPORTANT INDIVIDUALS CONNECTED TO THE REFERRAL, INCLUDING POINTS OF CONTACT AND WITNESSES

PLEASE ATTACH ALL DOCUMENTATION RELATING TO THE CASE, INCLUDING LETTERS, WITNESS STATEMENTS, MINUTES OF MEETINGS, AND OTHER EVIDENCE

I confirm that I have read and understood the GTCNI Guidance for Employers which accompanies this form. I also confirm that, to the best of my knowledge and belief, the contents of this form are true.

Name (Printed)	
Position	
Signature	
Date	

Please Note: GTCNI collects, maintains, and processes data in accordance with the Council's legislative role, GDPR and associated legislation, full details of which can be found within our Privacy Notice on www.gtcni.org.uk.